

UNITED STATES DISTRICT COURT

JUL - 5 2018

for the

Eastern
Beaumont

District of Texas

BY
DEPUTY

Division

Sherrene Cook

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

J.C. PENNEY Corporation
Inc. Pension Plan

"see attached"

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

1:18CV3116

(to be filled in by the Clerk's Office)

Jury Trial: (check one)

☐

Yes

☒

No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Sherrene Cook

Street Address

2400 Ashley st

City and County

Beaumont Jefferson County

State and Zip Code

Texas 77702

Telephone Number

409.444.0401

E-mail Address

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendants

Defendant No.2

Powerline

Defendant No.3

Benefits Administration Committee (BAC)

Defendant No.4

Claims and Appeals Management (CAM)

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name JC Penney Corporation Inc. Pension Plan
 Job or Title (if known) Plan Sponsor
 Street Address 6501 Legacy Dr
 City and County Plano Collin County
 State and Zip Code Texas 75024-3698
 Telephone Number 1.972.431.1000
 E-mail Address (if known) _____

Defendant No. 2

Name Powerline
 Job or Title (if known) Benefits Administration Services
 Street Address 4 Overlook Point
 City and County Lincolnshire
 State and Zip Code Illinois 60069-1458
 Telephone Number 1.888.890.8900
 E-mail Address (if known) _____

Defendant No. 3

Name Benefits Administration Committee (BAC)
 Job or Title (if known) Plan Administrator - Secretary BAC
 Street Address 6501 Legacy Dr
 City and County Plano Collin County
 State and Zip Code Texas 75024-3698
 Telephone Number 972.431.1000
 E-mail Address (if known) _____

Defendant No. 4

Name Claims and Appeal Management (CAM)
 Job or Title (if known) Claims Administrator
 Street Address 4 Overlook Point
 City and County Lincolnshire
 State and Zip Code Illinois 60069-1467
 Telephone Number 1.888.890.8900
 E-mail Address (if known) _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case. *Per my ERISA Claim and Appeal Was J.C. Penny Inc or Powerline the Benefits Administration Service in Violation of 502(a) of the Employee Retirement Income Security Act of 1974 as amended*

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

See Attached

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

- 1) Lump sum payment option \$450,000.00
- 2) under 29 C.F.R S 2575.522C-1 I am asking for Relief of \$110.00 per Day Starting May 25, 2018 for failure to Send Requested Information to my attorney at the time \$4510.00
- 3) Court Cost

III. Statement of Claim

On May 28, 2012 my husband, a retiree of J C Penny Inc. passed away. I called "Powerline" which is the Benefits Administration service provider for J C Penney on June 5, 2012 at 1-888-890-8900. To report his death and start my Beneficiary Benefits.

I was told to fax into "Powerline" a original certified copy of his death certificate they gave me fax number 1.-847-554-1271 They verified information, Full name, Date of Birth and current address on file. At that point I explained I was moving from Florida to Texas to take care of my mother who was dying with Stage 4 cancer and I need to change my address to my new Texas address.

"Powerline" told me they would update my address but I must fax in a written address request to 1-847-554-1271

On June 14, 2012 and June 18, 2012 I faxed in both the Death Certificate and a Change of address request. I started receiving my retroactive widow benefits on June 1, 2012 they are direct deposited to my bank account.

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In 2015 The Retirement Plan was amended to allow a group of retirees, who were currently receiving “ Plan Benefits” a one-time opportunity to receive the present value of their remaining benefit under the retirement plan in a “ Lump Sum” option. I was included in this group.

Powerline provided a window of time between August 3, 2015 and September 18, 2015 to elect the “ Lump Sum” option.

On July 31, 2015 Election kits providing information about the Lump Sum Window were mailed out. Also on August 24 2015, September 8 and 9, 2015 information was mailed out.

Because Powerline failed to update my address all of this information was sent to Florida and not to my Texas Address.

Powerlines failure to update my current address caused me to miss important dates concerning my retirement benefits.

I filed two claims with J C Penney and Powerline and they were both denied. I received a letter on July 8, 2016 That I have a right to bring action under 502(a)of the Employment Retirement Income Act of 1974 as amended.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: May 5, 2018 July 5, 2018

Signature of Plaintiff

Printed Name of Plaintiff

Sherrene Cook

Sherrene Cook

2400 Ashley St Bm t, TX 77702
409.444.0401

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address